

# Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 46 November 14, 1991 Pages 1639-1674

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## State of Kansas

## State Conservation Commission

## Notice of Meeting

The State Conservation Commission will meet at 3 p.m. Sunday, November 24, at the Airport Hilton Inn, Wichita. A copy of the agenda may be obtained by contacting Donna Meader, 109 S.W. 9th, Suite 500, Topeka 66612, (913) 296-3600.

Kenneth F. Kern  
Executive Director

Doc. No. 011284

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Separate sealed bids for the construction of a 9,500 cubic yard floodwater detention dam, Site 233, will be received by Deer Creek Watershed Joint District No. 55 at 102 E. 2nd, Uniontown 66779, until 10 a.m. December 2, and then will be publicly opened and read aloud.

Parties interested in bidding must contact Agricultural Engineering Associates for bidder prequalification prior to obtaining contract documents and/or bidding. The contract documents may be examined at the following location: Agricultural Engineering Associates, 102 E. 2nd, Uniontown, (316) 756-4845.

Copies of the contract documents may be obtained at the office of Agricultural Engineering Associates upon nonrefundable payment of \$15 per set.

Kenneth F. Kern  
Executive Director

Doc. No. 011285

## State of Kansas

## State Conservation Commission

## Notice to Contractors

Sealed bids for the construction of a 23,680 cubic yard detention dam, Site SP-8 in Butler County, will be received by the Whitewater River Watershed Joint District No. 22 at the Soil Conservation District Office, 2503 Enterprise, Room B, El Dorado 67042, (316) 321-5891, until 2 p.m. December 3, and then opened. A copy of the invitation for bids and plans and specifications can be obtained from the Soil Conservation District Office.

Kenneth F. Kern  
Executive Director

Doc. No. 011298

## State of Kansas

## Kansas Sentencing Commission

## Notice of Public Hearings

The Kansas Sentencing Commission Task Force on the Consolidation of Field Services will conduct public hearings Tuesday, November 19, from 9 to 11 a.m. at the Kansas Judicial Center, Fatzer Courtroom, 301 W. 10th, Topeka; and from 2 to 4 p.m. at the Johnson County Community College, Board Room 137, 12345 College at Quivera, Overland Park.

Public hearings will be conducted Wednesday, November 20, from 9 to 11 a.m. in the Burnside Room, Great Bend Recreational Center, 1214 Stone St., Great Bend; and from 2 to 4 p.m. at the Wichita Public Library, Main Auditorium, 223 S. Main, Wichita.

Ben Coates  
Executive Director

Doc. No. 011312

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**(913) 296-2236**



**Register Office:**  
**235-N, State Capitol**  
**(913) 296-3489**

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following item:

Quotation #920177-2

Furnish and install machine tool equipment

Closing December 2, 1991

Bids must be submitted to The Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67208, by 2 p.m. C.S.T. on the above specified closing date. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link  
Director of Purchasing

Doc. No. 011305

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 31,000 cubic yard detention dam, Site 123 in Osage County, will be received by the Salt Creek Watershed Joint District No. 104 at the Soil Conservation Service Office, 9th and Holliday, Box 394, Osage City 66523, until 1:15 p.m. November 26 and then opened at 1:30 p.m. A copy of the invitation for bids and plans and specifications can be obtained from the Soil Conservation Service Office, (913) 528-4715, or Cox's Agri Engineering Service, Route 4, Box 84, Osage City 66523, (913) 528-3815.

Kenneth F. Kern  
Executive Director

Doc. No. 011297

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled November 18-25:

Date	Room	Time	Committee	Agenda
November 18	531-N	10:00 a.m.	Joint Committee on Arts and Cultural Resources	Review of draft committee reports; continuation of discussion of State Records Center; continuation of discussion of state-owned historic sites.
November 18 November 19	Cancelled Cancelled		Joint Committee on Administrative Rules and Regulations	Cancelled.
November 18 November 19	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	18th: Project presentations: Kansas Commission on Veterans' Affairs; Kansas Highway Patrol; Dept. of SRS; KUMC; KSU-S,COT. Status reports: state institutions building fund; construction claims. 19th: Project presentations: Department of Wildlife and Parks; School for the Visually Handicapped; School for the Deaf; Insurance Dept.; State Fair. Status report on construction litigation.
November 19 November 20	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Governmental Organization	Review and recommendations on Proposals No. 9, 10 and 11.
November 19	522-S	9:00 a.m.	Subcommittee of Special Committee on Governmental Organization	Proposal No. 11—Consolidation.

(continued)

November 21	519-S	10:00 a.m.	Joint Standing Committee on Apportionment	Review congressional redistricting plan.
November 21	519-S	11:00 a.m.	Joint Standing Committee on Apportionment (House only)	Review legislative redistricting plan.
November 20	527-S	10:00 a.m.	Joint Standing Committee on Apportionment (Senate only)	Review legislative redistricting plan.
November 21	527-S	11:00 a.m.		
November 22	527-S	10:00 a.m.		
November 21	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
November 22	531-N	9:00 a.m.		
November 21	313-S	10:00 a.m.	Special Committee on Children's Initiatives	<u>21st</u> : A.M.—Committee review of all proposals.
November 22	Expocentre	9:00 a.m.		<u>22nd</u> : Conference—Facing the Future: Kansas Children and Families.
November 21	123-S	9:00 a.m.	Joint Committee on KPERS Investment Practices	<u>21st</u> : Committee discussion and recommendations on investigative and policy sections of final report; presentation of Post Audit report on Tallgrass Technologies, Inc., Part II; report by State Treasurer Sally Thompson.
November 22	123-S	9:00 a.m.		<u>22nd</u> : Testimony under oath, possible executive session closed to the public and press concerning KPERS real estate investments and testimony by former KPERS trustees.
November 21	514-S	10:00 a.m.	Legislative Budget Committee	<u>21st</u> : Conferences with representatives of Depts. on Aging and SRS; staff reports on Lottery and Racing Commission finances and on state general fund finances (Proposal No. 16); review of bill draft on budgeting for salary and sick leave accumulations.
November 22	514-S	9:00 a.m.		<u>22nd</u> : Proposal No. 17 (Idle Funds Investment)—conferences with State Treasurer, Kansas Bankers Association and Dept. of Revenue; committee review of bill drafts and discussion of final reports.
November 22	527-S	10:00 a.m.	Joint Standing Committee on Apportionment (Senate only)	Review legislative redistricting plan.
November 25	514-S	10:00 a.m.	Special Committee on Judiciary	Review all proposal drafts.
November 26	Cancelled			November 26 cancelled.

Emil Lutz  
Director of Legislative  
Administrative Services

## State of Kansas

## State Emergency Response Commission

## Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Thursday, November 21, at the Kansas Department of Emergency Preparedness, Conference Room 11, 2800 Topeka Blvd., Topeka.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011306

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 1990 Supp. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$6,424,871.14 at October 31, 1991.

James R. Cobler  
Secretary of Administration

Doc. No. 011287

## State of Kansas

## Social and Rehabilitation Services

Request for Proposals for  
Family Preservation Programs

The Department of Social and Rehabilitation Services is seeking proposals from private not-for-profit or for-profit organizations for a start-up project for the development of family preservation programs in Allen, Bourbon, Labette and Cherokee counties. The aim of the program is to expand the capability of SRS to purchase family preservation services which will assist in safely maintaining children, who are at-risk for out-of-home placement, in their own homes.

This program will provide a maximum of \$15,000 in start-up costs only. On-going direct service costs will be paid under contract from other sources.

Proposals are due no later than 5 p.m. December 2. Copies of the full request for proposal are available from Barbara Stodgell, SRS Youth and Adult Services, Smith/Wilson Building, 300 S.W. Oakley, Topeka, 66606, (913) 296-4661.

Carolyn Risley Hill  
Acting Commissioner  
Youth and Adult Services

Doc. No. 011289

## State of Kansas

## Social and Rehabilitation Services

Request for Proposals for  
Adoptive Family Preservation Services

The Department of Social and Rehabilitation Services is seeking proposals from private not-for-profit or for-profit organizations, or licensed individuals, to contract to provide Adoptive Family Preservation Services, i.e., intensive, family focused, home based services which may include plans to provide services to reintegrate adopted children with their families using family system models.

Proposals are due no later than 5 p.m. December 2. Copies of the complete request for proposal are available from Barbara Stodgell, SRS Youth and Adult Services, Smith/Wilson Building, 300 S.W. Oakley, Topeka, 66606, (913) 296-4661.

Carolyn Risley Hill  
Acting Commissioner  
Youth and Adult Services

Doc. No. 011288

## State of Kansas

Department of Administration  
Division of Architectural ServicesNotice of Commencement of Negotiations  
for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for the study and design of the HVAC systems upgrade in the Wahl Complex on the University of Kansas Medical Center campus. The study shall include a review of the capacity and condition of the existing units, a determination of chilled water load projections, an investigation of steam loads and a review of the current ducting systems. Construction is scheduled for fiscal year 1993 through 1995.

Any questions or expressions of interest should be directed to George Steele, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before November 29. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman  
Director, Division of  
Architectural Services

Doc. No. 011283

## State of Kansas

**Social and Rehabilitation Services****Request for Proposals for  
Social Services to Refugees**

The Department of Social and Rehabilitation Services is accepting applications for the provision of social services to refugees for the service period April 1, 1992, through March 31, 1993. Applications must be received in the area SRS offices by January 2. Applications received after that date will not be considered.

Instructions for completing the application are described in the RFP, available on request from area SRS offices or from Philip P. Gutierrez, Department of Social and Rehabilitation Services, Employment Preparation Services, 300 S.W. Oakley, West Hall, Topeka 66606, (913) 296-5157.

Donna Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 011299

## State of Kansas

**Attorney General****Opinion No. 91-138**

**Public Records, Documents and Information—Records Open to Public—Public Policy That Records be Open; Definitions; Custodian; Public Records; Certain Records Not Required to be Open; Records Obtained by Post Audit and Contained in Work Papers.**

**Legislature—Legislative Post Audit—Definitions; Duty of Confidentiality Imposed by Law; Audit Work Papers.** Barbara J. Hinton, Acting Legislative Post Auditor, Legislative Division of Post Audit, Topeka, October 31, 1991.

Records in the possession of the legislative division of post audit fit the definition of public records set forth at K.S.A. 45-217(f). Such records are therefore subject to the Kansas open records act (KORA) set forth at K.S.A. 45-215 *et seq.* However, such records may be closed if the records are subject to a duty of confidentiality imposed by law or if discretionary closure is permitted pursuant to K.S.A. 1990 Supp. 45-221, as amended by L. 1991, ch. 149, § 12. It is our opinion that K.S.A. 1990 Supp. 45-221(a)(20), as amended, permits discretionary closure of audit working papers prior to release of the audit report, as such papers represent research data in the process of analysis. However, upon the release of the audit the data is no longer being analyzed. Thus, post audit must at that point provide requested access to records which are not otherwise permissibly or mandatorily closed by law. Cited herein: K.S.A. 45-215; 45-217; 45-218; K.S.A. 1990 Supp. 45-221, as amended by L. 1991, ch. 149, § 12; K.S.A. 46-1101; K.S.A. 1990 Supp. 46-1106; 46-1114. TMN

**Opinion No. 91-139**

**State Boards, Commissions and Authorities—Behavioral Sciences Regulatory Board—Behavioral Sciences Regulatory Board; Composition; Definition of Term "General Public."** Representative Barbara P. Allen, 21st District, Prairie Village, November 4, 1991.

The term "general public" as used in K.S.A. 1990 Supp. 74-7501, which specifies the composition of the Behavioral Sciences Regulatory Board, refers to any person who is not a licensed psychologist or a licensed social worker. Cited herein: K.S.A. 1990 Supp. 74-7501; K.S.A. 74-7502. CN

**Opinion No. 91-140**

**Roads and Bridges; Roads—General Provisions—Laying Out and Opening Roads.**

**Roads and Bridges; Roads—County and Township Roads; General Provisions—Classification and Designation of Roads in Non-County Unit Road System Counties.** Avon Township Board, c/o Jerry White, Wellington, November 4, 1991.

Upon recording of the viewers' report, survey and plat, a county road is regarded as established. By contrast, such a road is considered opened when the way is unenclosed and unobstructed, when it is minimally traveled, or when it is available or put in condition for public use. The 1879 non-user statute may have applicability to an established road which was not opened prior to the repeal of that statute. Mandamus does not lie to control a township board's exercise of discretion to open or to maintain a road in the absence of obstruction of duty, fraud, bad faith or gross impropriety. Neither the doctrine of abandonment nor of adverse possession generally has applicability to property established for use as a public road. The board of county commissioners is empowered to vacate any county or township road within its county by following statutory procedure. Cited herein: K.S.A. 68-102; 68-102a; 68-106; 68-115; 68-117; 68-124; K.S.A. 1990 Supp. 68-506; K.S.A. 68-518c; 68-526; 68-527; 68-527a; 68-530; 68-701; L. 1874, ch. 108, § 6; L. 1879, ch. 150, § 1. CN

**Opinion No. 91-141**

**Personal and Real Property—Public Buildings; Handicapped Accessibility Standards—Applicability to a Church.** Joe Dick, Secretary, Department of Human Resources, Topeka, November 5, 1991.

A church is a public building for purposes of the handicapped accessibility standards act. However, if the church was built before January 1, 1979, and renovations do not consist of an amount equal to 25 percent or more of the replacement value of the building, this act would not apply to the church. Cited herein: K.S.A. 1990 Supp. 58-1301a; 58-1305. MJS

Robert T. Stephan  
Attorney General

Doc. No. 011301

## State of Kansas

**Kansas Commission for the Deaf  
and Hearing Impaired****Notice of Meeting**

The Kansas Commission for the Deaf and Hearing Impaired will meet from 9 a.m. to 1 p.m. Saturday, December 14, in the board room of the Topeka U.S.D. 501 Administration Building, 624 S.W. 24th, Topeka.

Brenda J. Eddy  
Executive Director

Doc. No. 011300

## State of Kansas

**Kansas Arts Commission****Notice of Major Grant Opportunity  
and Deadline**

Non-profit organizations and public or government agencies in Kansas may apply for arts program funding support from the Kansas Arts Commission through its Major Grant Program.

The application deadline is 5 p.m. February 3. Guidelines and application forms for the Major Grant Program have been published and distributed. They also may be obtained by contacting the Kansas Arts Commission, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335, TDD via Kansas Relay Service 1-800-766-3777.

The Kansas Arts Commission is a state agency funded through appropriations from the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency.

Applicants for Kansas Arts Commission grants are expected to meet all pertinent federal requirements regarding civil rights, equality, non-discrimination, education, and access for persons with disabilities.

Not-for-profit organizations must be incorporated as such with the Kansas Secretary of State and must have applied for tax-exempt status with the Internal Revenue Service.

The current grant cycle is for arts programming during Kansas fiscal year 1993—July 1, 1992, through June 30, 1993. Applicants may request an amount up to 50 percent of their proposed budget in one of the four major grant categories. The grant request must be matched with cash and in-kind services by the applicant.

The grant categories are:

**Project Support**, for one-time or stand-alone arts events that do not require ongoing support. Non-arts organizations may apply to support arts activities.

**Basic Program Support**, to assist arts organizations with operating expenses, such as programming, administration, and marketing.

**Local Arts Agency Support**, to assist local arts agencies with operating and programming expenses.

**Statewide Arts Service Organization Support**, to assist service organizations that serve a statewide arts constituency.

In April 1992, the commission will convene a funding advisory panel in each category to review and evaluate the applications and to recommend funding amounts. Each panel is comprised of commissioners and persons knowledgeable in the arts, business and industry from across Kansas.

The applications are evaluated on such criteria as adherence to the guidelines, evidence of quality and value to the citizens of Kansas, development and progress of the organization, reasonable budget costs, and evidence that services extend to all constituencies, including culturally diverse populations, people with disabilities, institutionalized persons, and older citizens.

The panel recommendations will be submitted to the full commission for action during the quarterly business meeting in May 1992. The amounts of the grants awarded in relation to the amounts requested may vary in relation to such factors as total funds available, allocations to each category, the number of applicants in each category, and each applicant's funding history, if any.

Dorothy Ilgen  
Executive Director

Doc. No. 011294

## State of Kansas

**Kansas Arts Commission****Notice of Meeting**

The Kansas Arts Commission will conduct its next quarterly business meeting from 9 a.m. to 3:30 p.m. Friday, November 22, at the Independence Arts Council, 113 W. Myrtle, Independence. Scheduled for action by the commission is approval of panel recommendations for funding of applications to the fiscal year 1992 PEAK (Planning Education in the Arts in Kansas) Program, FY 92-93 Salary Assistance Program for local arts agencies, and FY 92 Professional Development Program for individual artists.

The commission will approve panel recommendations as to which performing artists will be placed on the roster for the FY 93 Kansas Touring Program.

In other business, the commissioners will review and approve the proposed guidelines for the FY 93 Arts in Education Program, appoint panel members for the 1992 Artist Fellowships Program, and hear reports from staff.

Meetings of the Kansas Arts Commission, a state agency, and of its funding advisory panels are open to public observation.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen  
Executive Director

Doc. No. 011295

## State of Kansas

## Kansas Racing Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Saturday, December 14, in the hearing room at commission offices, 3400 Van Buren, Topeka, to consider the adoption of proposed temporary and permanent regulations of the Kansas Racing Commission. This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed amendments and regulations.

**K.A.R. 112-4-1. Occupation licenses.** The proposed amendments to this existing regulation modify the list of occupations that require commission licenses; clarify requirements for the licensing of authorized agents; clarify requirements for replacement of a lost license; reduce the number of fingerprint cards that must be filed by an occupation license applicant; and state that racing officials, security employees and mutual employees must be 18 years of age.

**Economic impact:** Reducing the number of fingerprint cards required for licensure will save some minimal administrative processing costs for the commission and licensees.

**K.A.R. 112-4-4. Certain prohibited licenses.** The proposed amendments to this existing regulation identify those licensing conflicts prohibited by the regulation and clarifies that the stewards or racing judges have authority to hold hearings concerning potential licensing conflicts, to make findings of fact and to make a licensing recommendation to the commission.

**Economic impact:** None known.

**K.A.R. 112-10-36. Split samples.** This proposed regulation would replace the existing split sample regulation for greyhound racing. It states the conditions for splitting a test sample, including the requirements of a written request and the payment of costs. It also states that results of the second portion of a test sample will not prevent disqualification of a greyhound.

**Economic impact:** None.

Dana Nelson  
Executive Director

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

Sealed bids for the purchase of the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**Monday, November 25, 1991**

90368

Larned Correctional Mental Health Facility—Dryer

90377

University of Kansas—Steam traps

90378

University of Kansas—Lumber and plywood

90379

University of Kansas Medical Center—Transformer changeout

90422

Department of Social and Rehabilitation Services—Furnish and install PBX and PDS

90425

Fort Hays State University—Electrical supplies

**Tuesday, November 26, 1991**

A-6342(d)

Kansas State University—Plant Sciences Parking Lot—B-9 addition

A-6731(a)

University of Kansas—Replace boiler deaerator, power plant

A-6735

University of Kansas—Reroof Lindley Hall and upgrade observatory

A-6737(b)

University of Kansas—Repair roof, Haworth Hall (Stewart Wing)

A-6798

Fort Hays State University—Partial ceiling replacements, Agnew and McMinds halls

27098

University of Kansas Medical Center—Personnel radiation monitoring services

27388 (Supp.)

Statewide—Gloves, packs and trays (Class 06)

27408

University of Kansas Medical Center—Nitrous oxide (medical gas purity)

27474

University of Kansas Medical Center—January (1992) meat products

27516

Statewide—January (1992) meat products

27524

University of Kansas—January (1992) meat products

28162

Kansas State University—Laboratory services/water analysis

28633

Kansas Correctional Industries—Center mount amber reflectors

Doc. No. 011311



90367

Department of Social and Rehabilitation Services—  
Furnish and install vending machines, Topeka and  
Overland Park

90380

Department of Social and Rehabilitation Services—  
Furnish and install refrigerators and freezers,  
Wichita

90388

University of Kansas Medical Center—Conveyor  
repair parts

90389

Department of Social and Rehabilitation Services—  
Security window envelopes

Wednesday, November 27, 1991

28040

Wichita State University—Herbicides and  
insecticides

90393

University of Kansas—Components for laser  
system

90399

Emporia State University—PS/2 micro and token  
ring network

90405

University of Kansas—Energy management system

90406

Lansing Correctional Facility—Used dump truck

90407

Kansas State University—Forestry/nursery supplies

90414

Kansas State University—Seed bed shaper

90415

Kansas Neurological Institute—Hydrotherapy  
patient lifts

90416

University of Kansas—Fume hood

90424

Pittsburg State University—Bunk beds

Tuesday, December 3, 1991

27973

Department of Health and Environment—  
Excavating and backfilling subsidence holes,  
Cherokee and Crawford counties

27974

Department of Health and Environment—Filling  
and stabilizing subsidence occurrences, Cherokee  
and Crawford counties

Thursday, December 5, 1991

A-6378(b)

Department of Wildlife and Parks—Mitigation  
Marsh—Phase A, Cheyenne Bottoms Wildlife Area

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# Request for Proposals

Wednesday, November 27, 1991

28635

Academic education program for the Department  
of Corrections, Larned Correctional Mental Health  
Facility

Monday, December 2, 1991

28636

Alcohol and drug treatment services for the  
Department of Corrections, Larned Correctional  
Mental Health Facility

Friday, December 6, 1991

28637

Facilities management consulting services for the  
Kansas School for the Visually Handicapped

Leo E. Vogel

Acting Director of Purchases

Doc. No. 011296

## State of Kansas

## Historic Sites Board of Review

### Notice of Hearing

The grants review committee of the Kansas Historic  
Sites Board of Review will conduct a hearing at 1 p.m.  
Friday, December 6, in the second floor auditorium of  
the Memorial Building (Center for Historical Research),  
120 W. 10th, Topeka, to receive public comments on  
the applications filed with the Historic Preservation  
Department for federal fiscal year 1992 survey and  
planning grants. Comments may be addressed to the  
committee orally or in writing.

The following organizations, entities, institutions, in-  
dividuals, etc., have submitted applications:

- City of Hutchinson (CLG), Preparation of Third  
Grade Historic Preservation Curriculum
- City of Wichita (CLG), Fairmount/Friends Sur-  
vey II, Old Town Design Guidelines, College  
Hill Analysis
- Finney County Historical Society, Garden City  
Survey
- Johnson County Museum System, Johnson  
County Historic Resources Survey II
- Kansas State Historical Society, Inc., Newsletter  
Publication Project
- Linda Laird, Preservation Consultant, Grain El-  
evator Reconnaissance Survey
- Mo-Kan Regional Council, Old Atchison Survey
- Museum of Anthropology, University of Kansas,  
Sand Prairies Geoarchaeological Survey, Central  
and Southwestern Kansas
- University of Nebraska-Omaha, Archeological  
Survey and Site Evaluations in Portions of the  
Cimarron, Arkansas, and Pawnee River Basins,  
Southwestern Kansas
- Wichita State University, Survey of Lehigh  
Township, Marion County

The committee will also receive general comments  
about the types of survey and planning projects that  
should be funded in Kansas.

Ramon Powers  
Executive Director

Doc. No. 011286

## State of Kansas

## Social and Rehabilitation Services

Permanent Administrative  
Regulations

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-41. Assistance planning.** (a) Definitions.

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relative relationship.

(2) "Mandatory filing unit" means all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of payment as outlined in K.A.R. 30-4-74 for ADC purposes and K.A.R. 30-4-90 for GA purposes. If the agency is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit had the applicant or recipient cooperated shall be ineligible for assistance.

(3) "Caretaker relative" means the relative who is assigned the primary responsibility for the care and control of the child, either singly, or as in the case of two parents, jointly. Caretaker relative status shall be extended to the adult relative of a minor parent when assistance is requested for the child of a minor parent.

(4) "Eligible relative" means a caretaker relative who is considered in the plan with the child. A stepparent shall not be considered as an eligible relative unless the stepparent is the only caretaker relative in the home and is financially eligible.

(5) "Legally responsible relative" means the person who has the legal responsibility to provide support for the person in the plan.

(6) "Essential person" means an individual in the home who does not otherwise qualify for ADC and who is:

(A) A spouse of an ADC eligible caretaker relative;  
(B) a child who meets the age and school requirements of K.A.R. 30-4-72 and is a sibling of an ADC eligible child;

(C) the parent of a child of an ADC eligible caretaker relative when such parent has no legal relationship to the caretaker and all individuals are living together;

(D) the non-deprived child of an ADC eligible minor parent; or

(E) an individual who provides one of the following services:

(i) Child care which enables a caretaker relative to work on a full-time basis outside of the home;

(ii) care for an incapacitated family member in the home;

(iii) child care that enables a caretaker relative to receive training on a full-time basis;

(iv) child care that enables a caretaker relative to

attend high school or general education development classes on a full-time basis; or

(v) child care for a period not to exceed two months that enables a caretaker relative to participate in an agency-approved work-related activity.

(7) "Nonessential person" means an individual who does not meet the ADC criteria for eligible relative or essential person. Nonessential person shall not include an individual who is eligible for ADC.

(b) The assistance plan shall consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined. Any individual excluded from the assistance plan shall not be eligible in a separate assistance plan. The effective date of this regulation shall be January 2, 1992. (Authorized by K.S.A. 1990 Supp. 39-708c; implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended July 1, 1991; amended Jan. 2, 1992.)

**30-4-112. Income-exempt from consideration as income and as a cash asset.** The following income shall be exempt, except as provided in K.A.R. 30-4-110(b):

(a) Grants to any undergraduate student for educational purposes that are made or insured under any programs administered by the commissioner of education;

(b) grants obtained and used for purposes of meeting needs not related to current living costs;

(c) the value of the coupon allotment under the food stamp program;

(d) the value of the U.S. department of agriculture donated foods;

(e) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(f) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(g) Indian funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and initial purchases made with such funds;

(h) distributions to natives under the Alaska native claims settlement act;

(i) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(j) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(k) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(l) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(m) a one-time payment or a portion of a one-time payment from a cash settlement for repair or replacement of property or for legal services, or medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(n) money which VA determines may not be used for subsistence needs held in trust by VA for a child;

(o) retroactive corrective assistance payments in the month received or in the following month;

(p) income directly provided by vocational rehabilitation;

(q) benefits from special government programs at the discretion of the secretary, including energy assistance programs, and VA aid and attendance and housebound allowances;

(r) assistance provided by another agency or organization that complements, but does not duplicate assistance provided by the agency;

(s) reimbursements for out-of-pocket expenses in the month received and the following month;

(t) proceeds from any bona fide loan requiring repayment;

(u) payments granted to certain U.S. citizens of Japanese ancestry and resident Japanese aliens under Title I of Public Law 100-383;

(v) payments granted to certain Aleuts under Title II of Public Law 100-383;

(w) agent orange settlement payments;

(x) foster care and adoption support payments;

(y) the amount of any earned income tax credit received. Such credit shall not be regarded as a cash asset in the month of receipt and the following month; and

(z) federal major disaster and emergency assistance and comparable disaster assistance provided by state or local government or by disaster assistance organizations in conjunction with a presidentially declared disaster. The effective date of this regulation shall be January 2, 1992. (Authorized by K.S.A. 1990 Supp. 39-708c; implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992.)

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

##### 30-5-116. Scope of rehabilitation services. Reha-

bilitation services shall be covered for medicaid and medicaid recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include: (a) Inpatient substance abuse treatment rendered by a facility licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services and approved by the division of medical programs. Inpatient substance abuse treatment shall be limited to three treatment admissions per lifetime of a recipient, regardless of the type of provider;

(b) behavior management services, including:

(1) Family mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized;

(2) group mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized; and

(3) in-home, family-based mental health services rendered by a provider approved by the division of medical programs within the department and prior authorized;

(c) psychological services, audiological services, Kan Be Healthy screenings, physical therapy, speech pathology or occupational therapy services provided when medically necessary to recipients for purposes of screening and evaluation, for providing services pursuant to an individualized educational plan or individualized family service plan, and when rendered by providers employed by or under contract with enrolled local education agencies which have been approved by the division of medical programs; and

(d) long-term head injury rehabilitation rendered by a head injury rehabilitation facility licensed by the department of health and environment and approved by the division of medical services within the Kansas department of social and rehabilitation services. Long-term head injury rehabilitation shall be limited to only those individuals who have sustained a traumatic head injury, who continue to show progress in their recovery and can benefit from transitional living skills training. The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-10-2-91, Oct. 2, 1991; amended Jan. 2, 1992.)

**30-5-116a. Reimbursement for rehabilitation services.** (a) Reimbursement for substance abuse treatment and long-term head injury rehabilitation shall be based upon a negotiated rate pursuant to a contract between the Kansas department of social and rehabilitation services and a provider.

(b) Reasonable fees as related to customary charges shall be paid for other rehabilitation services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations. The effective date of this regulation shall be

(continued)

January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective July 1, 1989; amended Jan. 7, 1991; amended, T-30-10-2-91, Oct. 2, 1991; amended Jan. 2, 1992.)

**Article 6.—MEDICAL ASSISTANCE  
PROGRAM—CLIENTS' ELIGIBILITY  
FOR PARTICIPATION**

**30-6-65. Automatic eligibles.** To be automatically eligible for medical assistance, each person shall meet the general eligibility requirements of K.A.R. 30-6-50 and K.A.R. 30-6-106(c)(2) and shall be: (a) Legally entitled to and receiving SSI benefits and in compliance with the general eligibility requirements of residence;

(b) legally entitled to and receiving state supplemental payments from Kansas related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance, excepting emergency assistance, pursuant to article 4 of this chapter;

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00 of public assistance;

(2) the amount of recovery of an overpayment is greater than the budget deficit;

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income; or

(4) the person is ineligible for ADC because of the provisions of K.A.R. 30-4-55(d), K.A.R. 30-4-63(e), K.A.R. 30-4-64(e), or K.A.R. 30-4-140(d);

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW as a result, in whole or in part, of collection or increased collection of support. Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW, as long as the family remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(g) mandated to receive inpatient treatment for tuberculosis;

(h) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(i) a non-ADC eligible child who is under 18 years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter;

(j) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year. The child shall remain eligible so long as such mother remains eligible for medicaid or would be eligible for medicaid if still pregnant. The child shall also remain in the same household with the mother;

(k) a child receiving foster care payments under title IV-E, regardless of the state making payment;

(l) a child for whom an adoption assistance agree-

ment under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption, even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued;

(m) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

(n) included in the assistance plan of a family who:

(1) Has received ADC or APW in three of the six months immediately preceding the first month of transitional medical services;

(2) has lost eligibility for ADC or APW beginning in or after the month of April, 1990 due solely to increased earned income or hours of employment of the caretaker relative or due solely to termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(2); and

(3) has not been rendered ineligible for assistance as a result of a fraud determination at any time during the six months immediately preceding the first month of transitional medical services.

(A) Assistance under this provision shall be initially provided for a period not to exceed six months if there continues to be a child in the family and if the individual continues to be a resident of the state and provides ongoing status reports as may be required by the secretary.

(B) Assistance shall be provided for an additional six-month period of time if there continues to be a child in the family and if the individual continues to be a resident of the state, provides ongoing status reports as may be required by the secretary and continues employment. Assistance shall be terminated when the person's gross earned income, less the cost of child care, exceeds 185% of the official federal poverty income guidelines. Persons who are not otherwise eligible for medicaid without a spenddown and who have gross earned income, less the cost of child care, that exceeds 100% of the official federal poverty income guidelines shall be responsible for contributing to the payment of the cost for medical coverage. The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709, 39-7-103; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended,

T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Jan. 2, 1992.)

**30-6-94. Medical assistance (non-title XIX) determined eligibles; eligibility factors specific to persons living in nursing facilities for mental health (NF-MH).**

(a) To be eligible for participation in the medical assistance program under this provision, the individual shall:

(1) Meet the general eligibility requirements of K.A.R. 30-6-50;

(2) be age 21 or older and under age 65;

(3) be otherwise eligible for medicaid (title XIX) except for the individual's living arrangement; and

(4) not meet the provisions of K.A.R. 30-6-60(b) or K.A.R. 30-6-81(b).

(b) Eligibility shall be determined based on the financial eligibility standards and methodologies applicable to persons in institutional arrangements. The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective Jan. 2, 1992.)

**30-6-103. Determined eligibles; protected income levels.** (a) Independent living and home- and community-based services arrangements.

(1) The protected income level for persons in independent living arrangements and in the home- and community-based services program shall be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered.

(2) The protected income levels for independent living may also be used when an applicant or recipient:

(A) Enters a medicaid-approved facility, except that this provision shall not apply in situations where only one spouse of a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed two months to allow for maintaining the applicant's or recipient's independent living arrangements.

(3) Except as provided in paragraphs (4), (5) (6), (7) and (8) below, the following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING  
(Per Month)

1	2	3
\$422.00	\$466.00	\$470.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

(4) In determining eligibility for pregnant women and for infants under the provisions of K.A.R. 30-6-77(a) and (b), 150% of the official federal poverty income guidelines shall serve as the protected income level.

(5) In determining eligibility for other young children under the provisions of K.A.R. 30-6-77(c), 133%

of the official federal poverty income guidelines shall serve as the protected income level.

(6) In determining eligibility for older children under the provisions of K.A.R. 30-6-77(d), 100% of the official federal poverty income guidelines shall serve as the protected income level.

(7) In determining eligibility for medicare beneficiaries under the provisions of K.A.R. 30-6-86, 100% of the official federal poverty income guidelines shall serve as the protected income level.

(8) In determining eligibility for working disabled individuals under the provisions of K.A.R. 30-6-87, 200% of the official federal poverty income guidelines shall serve as the protected income level.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$30.00 except as noted in paragraph (2) of subsection (a). The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992.)

**30-6-106. General rules for consideration of resources, including real property, personal property, and income.** (a) Legal title shall determine ownership for assistance purposes. In the absence of legal title, possession shall determine ownership.

(b) Resources, to be real, shall be of a nature that the value can be defined and measured. The objective measures set forth in paragraphs (1) and (2) below shall establish the resources' value.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property, which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant, or recipient, or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined using a reputable trade publication. If a publication is not available, or

(continued)

if there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) (1) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain, or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

(2) For the purpose of this subsection, a revocable or irrevocable trust shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust on behalf of the applicant or recipient if:

(A) The trust is established by the applicant, the recipient, the applicant or recipient's spouse, or the applicant or recipient's guardian or legal representative who is acting on the applicant or recipient's behalf;

(B) that applicant or recipient is a beneficiary; and

(C) the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.

This provision shall not be applicable if the applicant or recipient is a mentally retarded individual who is residing in an intermediate care facility for the mentally retarded, provided the trust was established prior to April 7, 1986 and is solely for the benefit of that applicant or recipient.

(3) For SSI, real property shall be considered unavailable for so long as it cannot be sold because:

(A) The property is jointly owned and its sale would cause undue hardship due to the loss of housing for the other owner or owners; or

(B) the owner's reasonable efforts to sell the property have been unsuccessful.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to those duties performed while the applicant or recipient is acting as an agent for the other person.

(e) Nonexempt resources of all persons in the assistance plan and the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and K.A.R. 30-6-79(c) shall be considered.

(f) (1) The combined resources of husband and wife, if they are living together, shall be considered in de-

termining eligibility of either or both for the medical assistance program, unless otherwise prohibited by law.

(2) A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education, training, working, securing medical treatment or visiting shall not interrupt the period of time during which the couple is considered to be living together.

(3) A husband and wife shall not be considered as living together when they are physically separated and not maintaining a common life, or when one or both enter into an institutional living arrangement, including either a medicaid-approved or non-approved medical facility or a home- and community-based services care arrangement. If only one spouse enters an institutional living arrangement, the provisions of subsection (m) below apply. If both spouses enter an institutional living arrangement, the combined resources of the husband and wife shall be considered available to both for the month in which the institutional arrangement begins.

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together, except that such resources shall not be considered for children in an institutional or home- and community-based services arrangement beginning with the month following the month the arrangement begins.

(h) When any individual in the household who does not have the responsibility to support a person in the plan voluntarily and regularly contributes cash to the recipient toward household expenses, including maintenance costs, the amount of the contribution to be counted shall be the net income realized by the household.

(i) Despite subsections (e), (f), and (g) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for medical assistance of any other person.

(j) The conversion of real and personal property from one form to another shall not be considered to be income to the applicant or recipient, except for the proceeds from a contract for the sale of property.

(k) Income shall not be considered to be both income and property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered.

(m) When one spouse enters an institutional living arrangement and the other spouse remains in the community, and an application for medical assistance is made on behalf of the institutionalized spouse, the following provisions apply:

(1) The separate income of each spouse shall not be considered available to the other beginning in the month the institutional arrangement begins. Unless otherwise established,  $\frac{1}{2}$  of the income which is paid in the names of both spouses shall be considered available to each. Income which is paid in the name of either spouse, or in the name of both spouses and the



name of another person or persons, shall be considered available to each spouse in proportion to the spouse's interest, unless otherwise established.

(2) A monthly income allowance for the community spouse shall be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 133% of the official federal poverty income guideline for two persons plus the amount of any excess shelter allowance. The excess shelter allowance is defined as the amount by which the community spouse's expenses for rent or mortgage payments, taxes and insurance for the community spouse's principal residence, plus the \$175.00 food stamp standard utility allowance, exceeds 30% of the 133% federal poverty income guideline amount referred to above. The maximum income allowance which can be provided under this provision shall be \$1,718.00. The \$1,718.00 limitation shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater income allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(3) A monthly income allowance for each dependent family member shall also be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or spenddown for persons in home- and community-based services arrangements. A dependent family member is defined as a minor or dependent child, dependent parent or dependent sibling of either spouse who lives with the community spouse. The allowance for each member shall be equal to  $\frac{1}{3}$  of 133% of the official federal poverty income guideline for two persons. An allowance shall not be provided if the family member's gross income is in excess of the 133% federal poverty income guideline for two persons.

(4) If the spouse is institutionalized on or after September 30, 1989, the real and personal property of both spouses shall be considered in determining the eligibility of the institutionalized spouse in the month of application, based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below. Following the month in which the institutionalized spouse is determined eligible, the property of each spouse shall not be considered available to the other.

(5) If the spouse was institutionalized before September 30, 1989, the real and personal property of each spouse shall be considered available to the other in the month in which the institutional arrangement began. Thereafter, the property of each spouse shall not be considered available to the other.

(6) The institutionalized spouse may make available to the community spouse a property allowance which, when added to the property already available to the

community spouse, would be equal to  $\frac{1}{2}$  of the total value of the property owned by both spouses as of the first period of continuous institutionalization beginning on or after September 30, 1989. This allowance may not exceed \$68,700.00, but shall be no less than \$13,740.00. Both the \$13,740.00 and \$68,700.00 standards shall be increased annually to reflect the percentage increase in the consumer price index for all urban consumers. If a greater property allowance is provided for under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(7) The amount of property received by the community spouse as a result of the property allowance determined in paragraph (m) (6) shall not be considered in determining the eligibility of the institutionalized spouse except as provided in paragraph (m)(4) above. If the institutionalized spouse will be eligible based upon transferring sufficient property to the community spouse to equal the amount of the property allowance, the institutionalized spouse shall be given up to 90 days from the date of application to transfer the property. Additional time may be allowed for good cause. Pending disposition of the property, the institutionalized spouse shall be deemed to be temporarily eligible during this time period if all other eligibility factors are met. The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; revoked, T-30-11-29-90, Jan. 2, 1991; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended, T-30-3-1-91, March 1, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 2, 1992.)

**30-6-112. Income exempt from consideration as income and as a cash asset.** Exempted income shall be: (a) Grants to any undergraduate student for educational purposes that are made or insured under any programs administered by the commissioner of education;

(b) grants obtained and used for purposes of meeting needs not related to current living costs;

(c) the value of the coupon allotment under the food stamp program;

(d) the value of the U.S. department of agriculture-donated foods;

(e) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for

(continued)

children under the national school lunch act, as amended;

(f) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(g) Indian funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and initial purchases made with such funds;

(h) distributions to natives under the Alaska native claims' settlement act;

(i) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(j) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(k) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(l) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(m) money held in trust by VA for a child which VA determines may not be used for subsistence needs;

(n) retroactive corrective assistance payments in the month received or in the following month;

(o) income directly provided by vocational rehabilitation;

(p) benefits from special government programs at the discretion of the secretary, including energy assistance programs and VA aid and attendance and housebound allowances;

(q) reimbursements for out-of-pocket expenses in the month received and the following month;

(r) proceeds from any bona fide loan requiring repayment;

(s) payments granted to certain U.S. citizens of Japanese ancestry and resident Japanese aliens under Title I of Public Law 100-383;

(t) payments granted to certain eligible Aleuts under Title II of Public Law 100-383;

(u) agent orange settlement payments;

(v) federal major disaster and emergency assistance and comparable disaster assistance provided by state or local government or by disaster assistance organizations in conjunction with a presidentially declared disaster;

(w) for non-SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(x) for non-SSI, assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency;

(y) for non-SSI, foster care and adoption support payments;

(z) for non-SSI, the amount of any earned income tax credit received. Such credit shall not be regarded as a cash asset in the month of receipt and in the following month;

(aa) for SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within nine months of its receipt. This time period may be extended for good cause;

(bb) for SSI, in kind support, vouchers, or cash assistance for food, clothing, or shelter provided by public or private organizations or agencies, if the assistance is based on need;

(cc) for SSI, income necessary for fulfillment of an approved plan to achieve self-support established for a blind or disabled person;

(dd) for SSI, interest which is paid on excluded burial funds and left to accumulate;

(ee) for SSI, housing assistance from federal housing programs operated by state and local subdivisions;

(ff) for SSI, any portion of any financial assistance funded under Title IV of the higher education act of 1965, as amended, or under bureau of Indian affairs student assistance programs which is made available for tuition, fees, books, supplies, transportation and miscellaneous personal supplies;

(gg) for SSI, payments occasioned by the death of another person to the extent that the payments have been expended or committed to be expended for purposes of the deceased person's last illness and burial;

(hh) for SSI, payments received from a state-administered victims' compensation fund. Such payments shall not be regarded as a cash asset for the nine months following the month of receipt; and

(ii) for SSI, relocation assistance provided by a state or local government which is comparable to assistance provided under Title II of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970. Such assistance shall not be regarded as a cash asset for the nine months following the month of receipt. The effective date of this regulation shall be January 2, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992.)

#### Article 7.—COMPLAINTS, APPEALS AND FAIR HEARINGS

**30-7-76.** Transcripts. (a) A transcript of the hear-



ing may be prepared if requested by an appellant, the agency, the hearing officer, the state appeals committee or the secretary. The party requesting the transcript or review of the hearing officer's decision shall pay any costs associated in obtaining a transcript.

(b) If an appellant requests a transcript, the agency shall pay the costs of transcribing the recording if the appellant signs a poverty affidavit.

(c) If a transcript is prepared, the reporter shall sign the following certification on all copies: "This is to certify that \_\_\_\_\_ conducted

a hearing on the application of \_\_\_\_\_

in \_\_\_\_\_ county, state of Kansas, on \_\_\_\_\_ at \_\_\_\_\_ and that the fore-

going is a true and correct transcript of the record of the hearing."

\_\_\_\_\_  
Signature of Reporter

The effective date of this regulation shall be January 2, 1992. (Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended Jan. 2, 1992.)

**30-7-77. Rehearing.** (a) Any party, within 15 days after service of the hearing officer's decision, may file a petition for rehearing with the administrative hearings section, stating the specific grounds upon which the rehearing of the hearing officer's decision is requested.

(b) A rehearing may be granted to either party on all or part of the issues when it appears that the rights of the party are substantially affected because:

(1) Of an erroneous ruling of the hearing officer;  
(2) the decision in whole or in part is contrary to the evidence; or

(3) of newly discovered evidence which the moving party could not with reasonable diligence have discovered or produced at the hearing.

(c) The filing of a petition for rehearing is not a prerequisite for review at any stage of the proceedings. The filing of a petition for rehearing does not stay any time limits or further proceedings that may be conducted under the Kansas administrative procedures act, K.S.A. 77-501 et seq. and amendments thereto, or any other provision of law. The effective date of this regulation shall be January 2, 1992. (Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended Jan. 2, 1992.)

**30-7-78. State appeals committee.** (a) The secretary may appoint one or more state appeals committees to review the decisions or orders of the officers.

(b) The committees shall consist of three impartial persons.

(c) Decisions of the committee shall be by majority vote.

(d) The record, as defined in K.S.A. 77-532, shall be the basis for the state appeals committee review. The effective date of this regulation shall be January 2,

1992. (Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended Jan. 2, 1992.)

Donna Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 011292

State of Kansas

## Department of Health and Environment

### Permanent Administrative Regulations

#### Article 36.—FOOD SERVICE ESTABLISHMENTS, FOOD VENDING MACHINE COMPANIES AND LODGING ESTABLISHMENTS

**28-36-30. Fees.** (a) The food service establishment license fee shall be \$40.

(b) The food service establishment license application fee shall be \$90. (Authorized by K.S.A. 36-507; implementing K.S.A. 36-503; effective, E-79-16, July 1, 1978; effective May 1, 1979; amended E-82-21, Nov. 16, 1981; amended May 1, 1982; amended Dec. 30, 1991.)

#### Article 39.—LICENSURE OF ADULT CARE HOMES

**28-39-77. Licensing procedures; all adult care homes.** (a) Initial license; site approval. The site for any proposed new skilled nursing home, intermediate nursing care home, intermediate nursing care home for the mentally retarded, or intermediate personal care home shall be approved by the licensing agency before design development or preliminary drawings for the facility are submitted.

(b) New intermediate nursing care homes for the mentally retarded shall not have more than one residential building, as defined in K.A.R. 28-39-225, located on one site or on contiguous sites. Residential buildings shall be dispersed geographically so as to achieve integration and harmony with the community or neighborhoods in which they are to be located.

(c) A written request for site evaluation shall be made to the licensing agency and shall include the following information:

(1) The street name and number or the legal description of the proposed site;

(2) the name and telephone number of the individual in the locale to be contacted by evaluation personnel;

(3) dimensions and boundaries of the site; and

(4) the name of the public utility or municipality that provides services to the site, including water, sewer, electricity, and natural gas.

(d) Initial license; new construction, conversion of an existing building, or modification of structure. Completed application forms as prescribed by the licensing agency shall be submitted when:

(continued)

(1) a facility is to be newly constructed;  
 (2) an existing building is to be converted for use as an adult care home; or (3) a structure is to be modified or expanded.

(e) Each skilled nursing home, intermediate nursing care home, intermediate nursing care home for the mentally retarded and intermediate personal care home shall comply with the following provisions:

(1) With the initial application, the owner shall submit one copy of preliminary construction plans and outline specifications in compliance with:

(A) K.A.R. 28-39-108 to K.A.R. 28-39-113, inclusive for skilled nursing homes and intermediate care homes;

(B) K.A.R. 28-39-311 to K.A.R. 28-39-312, inclusive for intermediate personal care homes; or

(C) K.A.R. 28-39-225, for intermediate nursing care homes for the mentally retarded with 16 beds or fewer.

(2) Prior to commencing construction, except for residential buildings which house six or fewer residents, the owner shall submit one copy of the final plans and specifications which are certified by a registered architect to be in compliance with:

(A) K.A.R. 28-39-108 to K.A.R. 28-39-113, inclusive for skilled nursing homes and intermediate nursing care homes;

(B) K.A.R. 28-39-311 and K.A.R. 28-39-312, inclusive for intermediate personal care homes; or

(C) K.A.R. 28-39-225, for intermediate nursing care homes for the mentally retarded with 16 beds or fewer.

(3) All construction, including any new work, addition, alteration, or remodeling which costs in excess of \$10,000 or involves primarily structural elements, shall be executed with construction documents and inspection of work under the immediate supervision of a registered architect currently licensed to practice in the state of Kansas. All project documents, including design development drawings, working drawings, specifications, and the certificate of completion in accordance with the construction documents, shall bear the official seal or stamp of the responsible architect.

(4) If construction does not commence within one year of the date that the final plans and outline specifications are submitted to the licensing agency, they shall be resubmitted.

(5) The owner shall submit to the licensing agency any changes in the information in the initial application, plans, or specifications.

(6) When the architect determines that construction is 50 percent completed, the owner shall notify the licensing agency.

(7) The owner shall notify the licensing agency 30 days in advance of the estimated completion date of the facility.

(8) The licensing agency shall issue a license when:

(A) Construction is completed;

(B) the facility is found to meet all applicable requirements of law; and

(C) the applicant is found to qualify for a license.

(f) Change of ownership. Each licensee shall notify the licensing agency of any anticipated change in ownership information from that which is on the current license application form. This notice shall be submitted

60 days in advance of the proposed effective date of the change. A change of ownership shall not take effect prior to the issuance of the initial license.

(g) Change of administrator. Each licensee of a skilled nursing home, intermediate nursing care home, intermediate nursing care home for the mentally retarded, or intermediate personal care home shall notify the licensing agency immediately when the administrator is no longer employed. When a new administrator is employed, the licensee shall notify the licensing agency of the name, address, and Kansas license number of the new administrator.

(h) Change of bed capacity. Any proposed change in bed capacity of any facility, whether an increase or decrease, shall be approved by the licensing agency before the change is made.

(i) Fees.

Each initial application for a license and annual report filed with the licensing agency shall be accompanied by a fee of \$50.00 plus \$15.00 for each bed. No refund of the fee shall be made if a license application is denied.

(j) Application information. Each application submitted for an initial license shall include:

(1) The completed application form prescribed by the licensing agency;

(2) legal documents transferring ownership or control, including:

(A) sales contracts;

(B) leases;

(C) management agreements; and

(D) any required approvals of other licensees or mortgagors;

(3) curriculum vitae or resumes for all professional staff to be involved with the operation or supervision the applicant's facility or facilities. This requirement shall apply to anyone whom an applicant will rely upon to supervise operations of the facility or facilities and anyone who will be involved in conducting the business affairs of the applicant's facility or facilities; and

(4) a current balance sheet and statement of the net worth prepared according to generally accepted accounting principles and certified by the applicant to be accurate. (Authorized by K.S.A. 39-932; implementing K.S.A. 39-927, 39-932, and K.S.A. 1990 Supp. 39-930; effective May 1, 1982; amended, T-84-17, July 26, 1983; amended May 1, 1984; amended, T-87-51, Dec. 19, 1986; amended May 1, 1987; amended, T-88-57, Dec. 16, 1987; amended May 1, 1988; amended April 3, 1989; amended Dec. 30, 1991.)

Azzie Young  
 Secretary of Health  
 and Environment

Doc. No. 011290

(Published in the Kansas Register, November 14, 1991.)

**Notice of Redemption**  
**State of Kansas**  
**City of Newton**  
**Industrial Revenue Bonds, Series I**  
**Dated December 1, 1979**  
**(No Cusip Assigned)**

Notice is hereby given that pursuant to the provisions of Ordinance No. 3456, adopted by the city of Newton, Kansas, on January 2, 1980, all outstanding bonds of the referenced industrial bond issue will be redeemed on December 1, 1991 (the redemption date), at a redemption price of 102 percent of the principal amount thereof together with accrued interest to the redemption date.

The bonds to be called are in bearer form with a par value of \$5,000 each. The bond numbers, interest rate per annum, and maturity dates of the bonds are:

Bond Numbers (Inclusive)	Interest Rate Per Annum	Maturity Date
43-49	8 $\frac{1}{2}$ %	12-1-92
50-57	8 $\frac{3}{4}$ %	12-1-93
58-65	8 $\frac{3}{4}$ %	12-1-94
66-74	8 $\frac{3}{4}$ %	12-1-95
75-84	9%	12-1-96
85-95	9%	12-1-97

The bonds shall be payable upon presentation and surrender thereof, with all interest coupons appertaining thereto maturing after December 1, 1991, attached, at the principal office of Union National Bank, Attention: Special Services, P.O. Box 637, 150 N. Main, Wichita, KS 67201. The method of presentation and delivery of such bonds for redemption is at the option and risk of the owners of each bond. If mail is used, insured, registered mail, return receipt requested, is suggested.

The coupons representing the interest payable December 1, 1991, may be detached and presented for payment in the usual manner. Interest on all bonds called for redemption will cease to accrue on and after December 1, 1991.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payment of principal on corporate securities are obligated to withhold 20 percent of the payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number. Holders of the above described securities will avoid such withholding by providing a certified taxpayer identification number when presenting securities for payment.

Dated November 1, 1991.

Union National Bank of Wichita  
Trustee

Doc. No. 011291

(Published in the Kansas Register, November 14, 1991.)

**Notice of Call for Redemption**  
**to the holders of**  
**City of Caney, Kansas**  
**Industrial Revenue Bonds**  
**Series 1982**  
**(Robert Wayne Spears)**

Notice is hereby given that pursuant to Section 5 of Ordinance No. 848 of the city of Caney, Kansas, all of the above-mentioned bonds maturing on or after February 1, 1992, and all unmatured coupons appertaining thereto, have been called for redemption and payment on February 1, 1992, at the office of Bank IV Wichita, National Association (successor to The First National Bank of Coffeyville), Wichita, Kansas (the paying agent).

**Term Bonds**

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
74-180	02/01/97	\$535,000	14.00%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond and all unmatured coupons, the redemption price thereof equal to 103 percent of the principal amount of each bond, together with interest accrued to the redemption date, upon presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after February 1, 1992. Sufficient funds for redemption are on deposit with the paying agent from the proceeds of refunding bonds issued by the city and other available funds. The balance has been defeased in accordance with the ordinance.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series 1982 Bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated November 5, 1991.

City of Caney, Kansas  
By: Bank IV Wichita, National Association  
Wichita, Kansas  
as Trustee

Doc. No. 011293

## State of Kansas

**Board of Agriculture  
Division of Water Resources****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Tuesday, December 17, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Division of Water Resources, Kansas State Board of Agriculture.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, 2nd Floor, 901 S. Kansas Ave., Topeka 66612-1283. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a temporary and permanent basis. A summary of the proposed regulations and their economic impact follows.

**K.A.R. 5-44-1. Floodplain management; definitions.** This new regulation defines terms, documents, and methodologies used in floodplain management. The definitions are needed to establish a common basis for communication and understanding.

The new regulation will enable state employees to communicate with better understanding with local communities and the public. The cost to the state and local government should be lessened by allowing the state to concentrate on important issues. The cost to the general public should be lessened by reducing the number of frivolous issues and concentrating resources on the larger problems.

**K.A.R. 5-44-2. Floodplain management; conditions for application for approval.** This new regulation establishes the conditions when an application for approval is required of the local community when adopting a floodplain ordinance or regulation.

The new regulation will provide state employees, local units of government and the public with guidance when the regulations would require the approval of the chief engineer, Division of Water Resources, Kansas State Board of Agriculture. The cost to the state should be lessened since guidelines do not currently exist and each community must ask the state for determination. The new regulation will allow the community self determination on when an approval must be sought before adopting a floodplain management zoning regulation.

**K.A.R. 5-44-3. Floodplain management; application for approval of zoning regulations; time limit.** A statutory review time period of 90 days is required upon

receipt of an application. This regulation establishes the requirements for sufficiency of an application of approval. Upon receipt of the complete application as described by this regulation, the 90-day time limit would begin.

The new regulation will provide state employees, local units of government and the public with guidance as to the requirements of a completed application. There should not be any impact on the state, other units of government, private citizens or consumers by this regulation.

**K.A.R. 5-44-4. Floodplain management; zoning regulations; minimum standards and criteria.** This regulation establishes the standards for the approval of a zoning regulation proposed by a local governing body. It also establishes the necessary elements required to be addressed in any local zoning regulation.

The new regulation will clarify and establish uniformity in the content of regulations submitted to the state for approval. This will result in a cost and time savings for the state. If the contents of a regulation meet or exceed the standards established by this regulation, the zoning regulation can be approved in a more efficient and timely manner. Other government units, private citizens and consumers will benefit from quicker turnaround time on approvals and clearer information on what is needed for a successful submittal.

**K.A.R. 5-44-6. Floodplain management; variance procedures.** The regulation requires the establishment of variance and appeal procedures by the local unit of government adopting a set of regulations. The regulation provides guidance on reasonable variance of floodplain management procedures.

The new regulation should not make any change in state processes. Other government units, private citizens and consumers should not receive any significant impact, except that it allows private citizens and consumers to appeal decisions when directly affected.

**K.A.R. 5-44-7. Floodplain management; waiver or stricter requirements.** The new regulation allows for the waiver or increased requirements when shown in the public interest. This allows flexibility to address special situations not anticipated in this body of regulations on floodplain management.

The new regulation should not adversely affect any operation of state government, other government units, private citizens or consumers. The costs involved should be minimal in keeping with the rarity of either event, a waiver or stricter requirements.

Copies of the regulations and their economic impact statements may be obtained from the Division of Water Resources at the address above, (913) 296-2933.

David Pope  
Chief Engineer  
Division of Water Resources

Doc. No. 011313

## State of Kansas

**Board of Agriculture  
Division of Water Resources****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 1 p.m. Tuesday, December 17, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Division of Water Resources, Kansas State Board of Agriculture.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the chief engineer, Division of Water Resources, 2nd Floor, 901 S. Kansas Ave., Topeka 66612-1283. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a temporary and permanent basis. A summary of the proposed regulations and their economic impact follows.

**K.A.R. 5-40-1. Definitions.** The amendments to the regulation clarify for consistency with other regulations certain definitions in common with those other regulations.

No change in costs to the state, other government units, private citizens or consumers is anticipated.

**K.A.R. 5-42-1. Stream obstructions; plans and specifications.** Amendments to this regulation establish requirements for hydraulic studies to identify impacts of a project.

The cost to the state should be lessened since the state will not be independently performing the hydraulic studies and will only verify assumptions and results of hydraulic studies performed by design professionals.

The cost to other government units, private citizens and consumers will increase if such studies have not been performed at the time of design in the past. Most of the studies should have been performed during the design process, so costs should not be significant.

**K.A.R. 5-42-3. Stream obstructions; pipeline crossings.** This amendment clarifies an area of legislative concern about the public interest in protecting private property and protecting the environment.

No change in cost to the state, other units of government, private citizens or the consumer except in cases where the project adversely affects the public interest.

**K.A.R. 5-45-1. Levees and floodplain fills; definitions.** Amendments to this regulation define terms, documents, and methodologies used in the adminis-

tration of the regulations. The amendments are required to address modification in the statute and issues encountered in the administration of a related statute.

The amendments to the regulation will enable state employees to communicate with better understanding with local communities and the public. Costs to the state, other government units, private citizens and consumers should not be affected by the changes in this regulation.

**K.A.R. 5-45-2. Levees and floodplain fills; plans and specifications.** Amendments to this regulation establish the requirements of adequate plans and specifications for levees and floodplain fills. The amendments define and clarify existing requirements and establish new requirements for a new class of floodplain fills established by statute.

The regulation will provide state employees, local units of government and the public with guidance when the regulations would require the approval of the chief engineer, Division of Water Resources, Kansas State Board of Agriculture. The cost to the state and the designer should be lessened since some guidelines do not currently exist. Other government units, private citizens and consumers will experience an undetermined increase in cost when involved with a project which affects property of others.

**K.A.R. 5-45-3. Levees and floodplain fills; specifications.** Amendment to the regulation recognizes a new class of floodplain fill established by statute.

There should not be any impact on the state, other units of government, private citizens or consumers.

**K.A.R. 5-45-4. Levees and floodplain fills; preparer of maps, plans profiles and specifications.** Amendments to this regulation were made to accommodate statutory changes which recognize a new class of floodplain fill and to clarify existing regulation.

The state should not be affected by the amendments. Other government units, private citizens or consumers should receive a cost savings in those categories of projects which currently require design by a licensed engineer and will not with the passage of the regulation.

**K.A.R. 5-45-6. Levees and floodplain fills; other maps, plans, profiles, data and specifications.** Amendment of the regulation reflects recent statutory change which recognizes a new class of floodplain fill.

The regulation should not make any change in state processes. Other government units, private citizens and consumers should not receive any significant impact.

**K.A.R. 5-45-7. Levees and floodplain fills; application.** Amendments to this regulation provide a much more detailed description of the documents and information needed for a complete application. The amendments address the handling of the 90-day statutory time limit on approval actions on floodplain fills.

The state will experience an increase in costs in handling a special class of projects. Additional handling, mailing and employee time costs should result in the addressing of this statutory change. Other government

(continued)

units, private citizens and consumers should not be affected by the changes in this regulation. The changes could be viewed a benefit to these groups, as the requirements for application are clarified in detail and a time limit for action is established.

**K.A.R. 5-45-12. Levees and floodplain fills; setback.** Amendment to the regulation reflects recent statutory change which recognizes a new class of floodplains.

The amendment should not make any change in state processes. Other government units, private citizens and consumers should not receive any significant impact.

**K.A.R. 5-45-13. Levees; unreasonable effect.** Amendments to the regulation are to clarify existing language. Costs or impacts on the state, other government units, private citizens and consumers should not change.

**K.A.R. 5-45-14. Levees and floodplain fills; hydrologic and hydraulic analysis.** This regulation addresses acceptable hydraulic impacts of floodplain fills and establishes the requirements for the performance of studies identifying these impacts.

The new regulation will result in a savings for the state. State employees will not be required to independently do hydraulic studies to establish impacts of a project. Such studies will be done by the designer with the state only verifying the adequacy of the scope and assumptions of the studies.

Hydraulic studies can be a costly item to other government units, private citizens and consumers costing from \$500 to \$2,000 each. Additional cost by this regulation should not occur. The need for the projects in identifying its impacts should be taken in account at the time of design. A competent design professional would require this process during design, so the cost should be reflected in the cost of design.

**K.A.R. 5-45-15. Floodplain fills; design criteria.** The new regulation establishes the design criteria for an acceptable design. The establishment of the regulation should assist the design professional in determining the minimum design required for approval. Cost to the state, other government units, private citizens and consumers should be lessened with the clarifications involved in this regulation.

**K.A.R. 5-45-16. Floodplain fills; disapproval.** The new regulation provides the criteria for disapproval and establishes an appeal process for applicants.

Costs to the state, other government units, private citizens and consumers should not change due to this regulation.

**K.A.R. 5-45-17. Exemption—floodway fringe fills.** The new regulation establishes an exempted class of floodplain fills from additional regulation by the state.

The cost to the state, other government units, private citizens and consumers should not change due to this regulation.

Copies of the regulations and their economic impact

statements may be obtained from the Division of Water Resources at the address above, (913) 296-2933.

David Pope  
Chief Engineer  
Division of Water Resources

Doc. No. 011314

## State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 3 p.m. Thursday, December 19, in Room 1051, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider adoption of K.A.R. 28-35-147 as a permanent regulation of the Department of Health and Environment. The proposed regulation changes represent a fee increase for x-ray and radioactive materials license registration and amendment fees. This fee increase is a result of a recommendation made by the House Appropriations Committee and the Senate Ways and Means Committee during the 1991 legislative session.

K.A.R. 28-35-147 is being revised to increase fees for license amendments and for new license applications. The first x-ray machine registered by each x-ray user facility will be increased by \$16 (the fees for additional x-ray machines in each facility will remain the same). The increase is expected to be equivalent to the actual direct cost of conducting the registration, inspection, and review program for these materials and 10 percent for indirect costs. The total income expected is \$224,156 rather than \$128,000 collected in FY 1990. This represents a 60 percent increase for the radioactive materials program and a 30 percent increase for the x-ray registration program.

Copies of the proposed regulation and a complete economic impact statement may be obtained by contacting Gerald W. Allen, Bureau of Environmental Health Services, Radiation Control Program, Department of Health and Environment, Room 602, Mills Building, 109 S.W. 9th, Topeka 66612-1275.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit such comments prior to hearing to the address above. All interested parties also will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed regulations. In order to give all persons an opportunity to present their views, it may be necessary to limit each oral presentation to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in these proposals.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011307



## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

## Public Notice No. KS-AG-91-122/135

Name and Address of Applicant	Waterway	Type of Discharge
Marion W. Atkinson Route 2, Box 230 D Columbus, KS 66725	NW/4 Section 33, Township 33S, Range 24E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P001 Fed. Permit No. KS-0088102  
The proposed expanded facility will have capacity for approximately 66,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Case Case Roundup Farms Route 1, Box 214 Baxter Springs, KS 66713	SE/4 Section 6, Township 35S, Range 25E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P010

The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and

data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Monte Cudney Cudney Farms Route 4, Box 54A Columbus, KS 66725	SE/4 Section 35, Township 34S, Range 23E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P013

The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kenneth Feist Route 1, Box 1500 Chetopa, KS 67336	SW/4 Section 32, Township 33S, Range 22E, Cherokee County, Kansas	Neosho River Basin

Kansas Permit No. A-NECK-P012

The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Michael J. Henry Route 1, Box 233 Hoyt, KS 66440	SW/4 Section 4, Township 9S, Range 15E, Jackson County, Kansas	Kansas River Basin

Kansas Permit No. A-KSJA-S016

The existing facility has the capacity for approximately 150 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

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Name and Address of Applicant	Legal Description	Receiving Water
Ed and Connie Hewlett Hewlett Farms Route 4, Box 169-1A Girard, KS 66743	NE/4 Section 26, Township 29S, Range 22E, Crawford County, Kansas	Neosho Basin

Kansas Permit No: A-NECR-P002

The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Ivan Jones 21860 Four Mile Road Frankfort, KS 66427	SW/4 Section 17, Township 6S, Range 8E, Pottawatomie County, Kansas	Big Blue River Basin

Kansas Permit No. A-BBPT-M003

The proposed facility will have capacity for approximately 50 dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, Existing control adequate.

Name and Address of Applicant	Legal Description	Receiving Water
O'Neill Farms DBA National Genetic Technology P.O. Box 129 Columbus, NE 68601	NW/4 Section 2, Township 4S, Range 4E, Washington County, Kansas	Big Blue River Basin

Kansas Permit No. A-BBWS-S004

The existing facility has the capacity for approximately 1500 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer, Inc. James Keller P.O. Box 547 Oakley, KS 67748	N/2 and SW/4 Section 18 and NW/4 Section 19, Township 11S, Range 31W, Gove County, Kansas	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C003 Federal Permit No. KS-0115860  
The feedlot has capacity for approximately 30,000 cattle with ex-

pansion planned for an additional 10,000 cattle and a contributing drainage are of approximately 778 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 190 acre-feet.

Compliance Schedule:

(1) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

(2) The metal culvert pipe existing in the dam of lagoon northeast No. 2, which has a metal cap welded on it, and located at elevation 93.9 feet on the inside of the dam shall be properly plugged with concrete and buried with a minimum of 5.0 feet of compacted soil to eliminate a potential source of livestock waste discharge.

(3) The open feedlots located in the NW/4 of Section 17, Township 11S, Range 31W shall be vacated, dismantled and cleaned after the current occupants are fed out.

(4) Within 60 days of issuance of this permit, additional wastewater pumping and distribution equipment shall be acquired to achieve compliance with capacities stated in Section 'A'.

(5) A berm shall be placed along the east side of retention structure No. 2 to keep fresh, extraneous drainage from the east from entering the impoundment. This should be accomplished within nine months of permit issuance.

Name and Address of Applicant	Legal Description	Receiving Water
Pork Chop Hill Charles Dougherty P.O. Box 205 Logan, KS 67646	NW/4 Section 9, Township 5S, Range 20W, Phillips County, Kansas	Solomon River Basin

Kansas Permit No: A-SOPL-S022

The proposed facility will have capacity for approximately 300 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

(1) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application for all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

(2) Equipment to land apply wastewater at the rate of at least 7,650 gallons per day shall be acquired through purchase or written rental agreement within six (6) months of permit issuance.

Name and Address of Applicant	Legal Description	Receiving Water
Prime Pork, Inc. (Shields Unit #3) Route 3, Box 148 Scott City, KS 67871	SE/4 Section 2, Township 17S, Range 29W, Lane County, Kansas	Upper Arkansas River Basin

Kansas Permit No. A-UALE-S002

The existing facility has the capacity for approximately 2100 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: None, existing control adequate.



Name and Address of Applicant	Legal Description	Receiving Water
Ray Reed RFD 1, P.O. Box 68 Wakefield, KS 67487	SW/4 Section 32, Township 9S, Range 3E, Clay County, Kansas	Lower Republican River Basin

Kansas Permit No. A-LRCY-S002

The existing facility has capacity for approximately 500 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

(1) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

(2) A written agreement must be obtained for use of a 1500 gallon slurry tank wagon for waste application. The agreement shall be submitted to KDHE by May 1, 1992.

Name and Address of Applicant	Legal Description	Receiving Water
Steve and Lorrie Scott Scott Farms Route 1, Box 132 Cherokee, KS 66724	SW/4 Section 15, Township 30S, Range 23E, Crawford County, Kansas	Neosho River Basin

Kansas Permit No. A-NECR-P001

The proposed facility will have capacity for approximately 33,000 turkeys.

Wastewater Control Facilities: Solid waste will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Sublette Feeders, Inc. Box 917 Sublette, KS 67877	E/2 and NW/4 Section 17 and SE/4 Section 8, Township 29S, Range 31W, Haskell County, Kansas	Cimarron River Basin

Kansas Permit No. A-CIHS-C001 Federal Permit No. KS-0038075

The feedlot has capacity for approximately 35,000 cattle with expansion planned for an additional 11,000 cattle and a contributing drainage area of approximately 360 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 112.1 acre-feet.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plans shall be

based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

### Public Notice No. KS-91-199/203

Name and Address of Applicant	Waterway	Type of Discharge
City of Arma 701 E. Washington Arma, KS 66712	Spring River via Second Cow Creek via First Cow Creek via unnamed tributary	Secondary wastewater treatment facility

Crawford County, Kansas

Kansas Permit No. M-NE03-0001 Fed. Permit No. KS-0045926  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
City of Gridley P.O. Box 182 City Hall Gridley, KS 66852	Neosho River via Big Creek via South Fork Big Creek via Dinner Creek	Secondary wastewater treatment facility

Coffey County, Kansas

Kansas Permit No. M-NE32-0001 Fed. Permit No. KS-0045993  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Hardtner City Hall Hardtner, KS 67057	Driftwood Creek	Secondary wastewater treatment facility

Barber County, Kansas

Kansas Permit No. M-AR39-0002 Fed. Permit No. KS-0081086  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Fun Valley c/o City of Hutchinson P.O. Box 1567 Hutchinson, KS 67501	Arkansas River	Secondary wastewater treatment facility

Reno County, Kansas

Kansas Permit No. M-AR49-0001 Fed. Permit No. KS-0080586  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
Whispering Pines Mobile Home Park c/o Joe and Beth Morando	Spring River via Cow Creek	Secondary wastewater treatment facility

Route 3, 105 Glennway  
Pittsburg, KS 66762

Crawford County, Kansas

Kansas Permit No. C-NE57-T001 Fed. Permit No. KS-0118354  
Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent lim-

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itations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Topeka 66620. All comments received prior to December 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-91-122/135 and KS-91-199/203) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011310

(Published in the Kansas Register, November 14, 1991.)

### Notice of Bond Sale

\$430,000

City of Pittsburg, Kansas

Water and Sewage System Revenue Bonds  
Series 1991-B

### Sealed Bids

Sealed bids for the purchase of \$430,000 principal amount of Water and Sewage System Revenue Bonds, Series 1991-B, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Pittsburg, Kansas, on behalf of the governing body of the city at City Hall, 201 W. 4th, P.O. Box 688, Pittsburg, KS 66762, until 2 p.m. C.S.T. on Tuesday, November 26, 1991. All bids will be publicly opened and read at said time and place and will be acted upon by the city's governing body at its meeting to be held at 7 p.m. C.S.T. Tuesday, November 26, 1991, at Pittsburg City Hall. No oral or auction bids will be considered.

### Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated De-

cember 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$15,000
1993	20,000
1994	20,000
1995	20,000
1996	25,000
1997	25,000
1998	25,000
1999	25,000
2000	30,000
2001	30,000
2002	35,000
2003	35,000
2004	35,000
2005	40,000
2006	50,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1992.

### Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

### Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 2000, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1999, and thereafter in whole at any time or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each

such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar and to the manager or managers of the underwriting account making the successful bid, at least 30 days prior to the redemption date. Upon its receipt of such notice, the paying agent shall give notice of such call by first class mail, postage prepaid, to the registered owners of said bonds. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various improvements to the water and sewage system of the city. The bonds are payable solely from and secured as to the payment of principal

and interest by a pledge of the revenues derived by the city from the operation of the water and sewage system, including revenues derived from extensions and improvements to the water and sewage system hereafter constructed or acquired by the city. The bonds do not constitute a general obligation of the city, nor do they constitute an indebtedness of the city within the meaning of any constitutional, statutory or charter provisions, limitations or restrictions.

The bonds are being issued on parity with the Water and Sewage Revenue Bonds, Series 1989-A, the Water and Sewage Revenue Bonds, Series 1990-A, and the Water and Sewage System Revenue Bonds, Series 1991-A. The 1989-A Bonds were issued in the original principal amount of \$1,095,000, of which \$1,010,000 remains outstanding as of December 1, 1991. The 1990-A Bonds were issued in the original principal amount of \$1,295,000; of which \$1,245,000 remains outstanding as of December 1, 1991. The 1991-A Bonds were issued in the original principal amount of \$1,235,000, of which \$1,235,000 remains outstanding as of December 1, 1991.

In the ordinance authorizing the issuance of the bonds, the city covenants to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the water and sewage system, including all extensions and improvements thereto hereafter constructed or acquired by the city, as will produce revenues sufficient to enable the city to have in each fiscal year net operating revenues from the water and sewage system in an amount that will be not less than 125 percent of maximum annual debt service on all water and sewage system revenue bonds of the city at the time outstanding.

In addition, the bonds will be secured by a bond reserve account to be fully funded in the amount of \$43,000 from bond proceeds.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reautho-

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rization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about December 19, 1991, at such bank or trust company in the state of Kansas or the greater Kansas City, Missouri metropolitan area. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond

registrar not later than 4 p.m. C.S.T. on December 2, 1991. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 4 p.m. C.S.T. on December 2, 1991, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$8,600, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, with the city reserving the right to pursue any consequential damages arising from such default.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Water and Sewage System Revenue Bonds." Bids may be submitted by mail or delivered in person to the undersigned at city hall and must be received by the undersigned prior to 2 p.m. Tuesday, November 26, 1991.

### Date and Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter and the price or yield at which the underwriter will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the city will provide without cost to the purchaser a reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the underwriter expense. If the sale of the bonds are awarded to a syndicate, the city will designate the senior managing underwriter of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The city will deliver to the underwriter on the date of delivery of the bonds a certificate executed by the mayor and the city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, Investment Bankers of Kansas City, Inc., 1101 Walnut, Suite 900, Kansas City, MO 64106, (816) 421-4440.

Dated November 7, 1991.

City of Pittsburg, Kansas  
Karen Garman  
City Clerk  
City Hall  
201 W. 4th  
Pittsburg, KS 66762  
(316) 231-4100

Doc. No. 011303

(Published in the Kansas Register, November 14, 1991.)

### Summary Notice of Bond Sale

Arkansas City, Kansas

\$2,399,321

General Obligation Bonds, Series 1991  
(general obligation bonds payable from  
unlimited ad valorem taxes)

### Sealed Bids

Subject to the notice of bond sale dated November 5, 1991, sealed bids will be received by the city clerk of Arkansas City, Kansas (the issuer), on behalf of the governing body at City Hall, 1st and Central, Arkansas City, until 5 p.m. C.S.T. December 2, 1991, for the purchase of \$2,399,321 principal amount of General Obligation bonds, Series 1991. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

### Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,321. The bonds will be dated December 1, 1991, and will become due on December 1 in the years as follows:

Year	Principal Amount
1992	\$239,321
1993	240,000
1994	240,000
1995	240,000
1996	240,000
1997	240,000
1998	240,000
1999	240,000
2000	240,000
2001	240,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 1992.

### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$47,986.42 (2 percent of the principal amount of the bonds).

### Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before December 19, 1991, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1990 is \$39,789,646. The total general obligation indebted-

(continued)

ness of the issuer as of the date of the bonds, including the bonds being sold, is \$8,175,853.81.

#### Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the city clerk (316/442-0280), or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly (316/264-9351).

Dated November 5, 1991.

City of Arkansas City, Kansas

Doc. No. 011302

(Published in the Kansas Register, November 14, 1991.)

#### Summary Notice of Bond Sale

City of Salina, Kansas

\$1,785,000

General Obligation

Internal Improvement Bonds

Series C-239

#### Sealed Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated November 4, 1991, sealed bids on the official bid form will be received by Jacqueline B. Shiever, city clerk of the city of Salina, Kansas, at Room 206 at the City-County Building, 300 W. Ash, Salina, KS 67402-0736, on behalf of the governing body, until 2 p.m. C.S.T. on Monday, November 25, 1991, for the purchase of \$1,785,000 principal amount of General Obligation Internal Improvement Bonds, Series C-239. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check in the amount of \$35,700.

#### Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof, not exceeding the total principal amount of bonds maturing on each principal payment date. The bonds will be dated December 1, 1991, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1992	\$180,000
1993	180,000
1994	180,000
1995	180,000
1996	180,000
1997	180,000

1998	180,000
1999	175,000
2000	175,000
2001	175,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1992. Bonds maturing on October 1, 1999, and thereafter will be subject to a redemption prior to maturity at the option of the city as a whole or in part, in inverse order of maturity, on October 1, 1998, or on any interest payment date thereafter, at a redemption price of 100 percent of the principal amount redeemed, plus accrued interest, without a premium.

#### Paying Agent and Bond Registrar

The Kansas State Treasurer will be the paying agent and bond registrar for the bonds.

#### Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 19, 1991, at such location as may be specified by the purchaser.

#### Assessed Valuation and Indebtedness

The equalized assessed valuation for computation of bonded debt limitations for the year 1991 is \$195,453,237. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$12,912,000.

#### Approval of Bonds

The bonds will be sold subject to the approving legal opinion of Gilmore & Bell, Kansas City, Missouri, bond counsel, whose approving opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the undersigned or George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the city's financial advisor.

Dated November 4, 1991.

City of Salina, Kansas  
By Jacqueline B. Shiever  
City Clerk  
Room 206  
City/County Building  
300 W. Ash  
Salina, KS 67402-0736

Doc. No. 011309



(Published in the Kansas Register, November 14, 1991.)

**Summary Notice of Bond Sale****Johnson County, Kansas****\$287,182****Internal Improvement Bonds, Series 1991B**(general obligations payable from  
unlimited ad valorem taxes)

and

**\$2,165,000****Library Bonds, Series 1991C**(special obligations payable from  
unlimited ad valorem taxes)**Sale Period**

Bids for each series of bonds, which must be submitted in separate sealed envelopes, marked either "Series 1991B Bond Bid" or "Series 1991C Bond Bid" and addressed to the undersigned, Finance Director of Johnson County, Kansas, Johnson County Courthouse, 2nd Floor, Room 206, Cherry Street at Park, Olathe, KS 66061, will be accepted until 9:30 a.m. C.S.T. Thursday, November 21, 1991, for the purchase of the county's \$287,182 principal amount of Internal Improvement Bonds, Series 1991B, and the county's \$2,165,000 principal amount of Library Bonds, Series 1991C (collectively "the bonds"). All bids will be publicly opened and acted upon by the Johnson County Board of County Commissioners immediately thereafter. No oral or auction bids will be considered.

Bidders may deliver a bid in person to the Johnson County Courthouse or they may telefax it to the county prior to the said time and date. Bidders who transmit their bid by telefax must undertake the following: (a) send a blank copy of the official proposal form for the bonds in time to be received by the county not less than two business days prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the day of the sale, at least 15 minutes prior to the time of sale, the authorized representative of the account may transmit to the finance director, by telefax, the bid for the bonds. The signed proposal will be completed by the finance director with such information. Telefax transmissions must be sent to either (913) 791-5284 or (913) 791-5000. The county will not accept responsibility for inaccurate bids submitted through the telefax, including garbled transmissions, or the inability of a bidder to access the telefax number prior to the indicated sale time.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except the Series 1991 B Bond numbered R-1, which will be in the denomination of \$7,182; will be dated November 1, 1991; and will become due serially on September 1 in each of the years as follows:

**\$287,182****Internal Improvement Bonds  
Series 1991B**

Maturity September 1	Principal Amount
1992	\$27,182

1993	25,000
1994	25,000
1995	25,000
1996	25,000
1997	25,000
1998	25,000
1999	25,000
2000	25,000
2001	10,000
2002	5,000
2003	5,000
2004	5,000
2005	5,000
2006	5,000
2007	5,000
2008	5,000
2009	5,000
2010	5,000
2011	5,000

**\$2,165,000  
Library Bonds  
Series 1991C**

Maturity September 1	Principal Amount
1992	\$150,000
1993	150,000
1994	150,000
1995	150,000
1996	150,000
1997	150,000
1998	150,000
1999	150,000
2000	150,000
2001	150,000
2002	150,000
2003	150,000
2004	150,000
2005	150,000
2006	65,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1992.

The bonds will be delivered to the successful purchaser properly prepared, executed and registered without cost within approximately 45 days after the date of their sale at such bank or trust company in the continental United States as may be specified by the successful bidder and is acceptable to the county.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check in the amount of \$5,744 must accompany each bid for the Series 1991B Bonds. A good faith deposit in the form of a certified or cashier's check in the amount of \$43,300 must accompany each bid for the Series 1991C Bonds.

**Costs**

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond

(continued)

counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and state gross income taxes.

#### Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the Series 1991B Bonds, the assessed valuation of the taxable tangible property within the county as of November 1, 1991, is \$3,000,293,623. The total general obligation bonded indebtedness of the county as of December 1, 1991, including the Series 1991B Bonds, is \$25,800,018.

For the computation of the debt limitation relating to the Series 1991C Bonds, the assessed valuation of the taxable tangible property within the county, except such real and personal property that is located within the city limits of Olathe, Kansas, as of November 1, 1990, is \$2,640,004,477. The total library bonded in-

debtedness of the county as of December 1, 1991, including the Series 1991C Bonds, is \$6,575,000.

#### Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the county will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, (612) 223-3000, or the county's finance director, (913) 791-5534.

Johnson County, Kansas

By: Ronald F. Cousino

Finance Director

Johnston County Courthouse

Olathe, KS 66061

(913) 791-5534

Doc. No. 011304

### INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

#### AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-9-7a	Amended	V. 10, p. 382, 760
1-16-18	Amended	V. 10, p. 1470, 1497
1-17-1	Amended	V. 10, p. 1471
1-17-2	Amended	V. 10, p. 1471
1-17-2a	Amended	V. 10, p. 1471
1-49-1	Amended	V. 10, p. 1472

#### AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319
4-7-530	New	V. 10, p. 1319
4-7-531	New	V. 10, p. 1319
4-7-532	New	V. 10, p. 1319
4-7-533	New	V. 10, p. 1320
4-7-716	Amended	V. 10, p. 1320
4-7-717	Amended	V. 10, p. 1320
4-7-722	Amended	V. 10, p. 1320
4-8-14	Revoked	V. 10, p. 1320
4-8-14a	New	V. 10, p. 1320
4-8-30	Amended	V. 10, p. 1321
4-8-39	Amended	V. 10, p. 1321
4-8-40	Amended	V. 10, p. 1321
4-13-28	New	V. 10, p. 1321
4-33-1	Amended	V. 10, p. 1315, 1321
4-33-2	New	V. 10, p. 1315, 1321

#### AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977

#### AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

#### AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-13-1 through 9-13-3	Revoked	V. 10, p. 1011
9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1011
9-19-1	New	V. 10, p. 1011

#### AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-19-24	Amended	V. 10, p. 689
14-19-36	Amended	V. 10, p. 689
14-20-25	Amended	V. 10, p. 689
14-20-26	Amended	V. 10, p. 690
14-21-9	Amended	V. 10, p. 690
14-22-6	Amended	V. 10, p. 690
14-22-9	Amended	V. 10, p. 691
14-23-4	Amended	V. 10, p. 691

#### AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
23-12-1	Revoked	V. 10, p. 916
23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917
23-21-1 through 23-21-14	Revoked	V. 10, p. 1441

#### AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405

#### AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1 through 26-8-14	New	V. 10, p. 1285-1287

#### AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-405	Amended	V. 10, p. 257
28-4-530	New	V. 10, p. 1246
28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250

28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-53-1 through 28-53-5	New	V. 10, p. 199
28-59-1 through 28-59-8	New	V. 10, p. 111-113

#### AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 10, p. 1353
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 692
30-4-63	Amended	V. 10, p. 1353
30-4-64	Amended	V. 10, p. 1355
30-4-90	Amended	V. 10, p. 1356
30-4-101	Amended	V. 10, p. 1357
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 692
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-5-58	Amended	V. 10, p. 1358
30-5-70	Amended	V. 10, p. 1363
30-5-77	Amended	V. 10, p. 1291
30-5-78	New	V. 10, p. 1364
30-5-79	New	V. 10, p. 1364
30-5-81	Amended	V. 10, p. 699
30-5-86	Amended	V. 10, p. 699
30-5-88	Amended	V. 10, p. 700
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 10, p. 346
30-5-101	Amended	V. 10, p. 1365
30-5-103	Amended	V. 10, p. 1365
30-5-104	Amended	V. 10, p. 701
30-5-110	Amended	V. 10, p. 1365
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 1365
30-5-115	Amended	V. 10, p. 963
30-5-116	Amended	V. 10, p. 1496
30-5-116a	Amended	V. 10, p. 1496
30-5-151	Amended	V. 10, p. 963
30-5-152	Amended	V. 10, p. 963
30-5-154	Amended	V. 10, p. 963
30-5-156	Amended	V. 10, p. 963
30-5-157	Amended	V. 10, p. 964
30-5-159	Amended	V. 10, p. 964
30-5-160	Amended	V. 10, p. 964
30-5-161	Amended	V. 10, p. 964
30-5-162	Amended	V. 10, p. 964
30-5-163	Amended	V. 10, p. 964
30-5-164	Amended	V. 10, p. 964
30-5-166	Amended	V. 10, p. 964
30-5-167	Amended	V. 10, p. 964
30-5-168	Amended	V. 10, p. 964
30-5-169	Amended	V. 10, p. 964



30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-53	Amended	V. 10, p. 1366
30-6-65	Amended	V. 10, p. 346
30-6-74	Revoked	V. 10, p. 1366
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
30-6-103	Amended	V. 10, p. 702
30-6-106	Amended	V. 10, p. 1366
30-6-107	Amended	V. 10, p. 705
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 705
30-6-113	Amended	V. 10, p. 706
30-7-65	Amended	V. 10, p. 707
30-10-1a	Amended	V. 10, p. 1369
30-10-7	Amended	V. 10, p. 354
30-10-11	Amended	V. 10, p. 1371
30-10-15a	Amended	V. 10, p. 708
30-10-15b	Amended	V. 10, p. 1372
30-10-16	Amended	V. 10, p. 709
30-10-17	Amended	V. 10, p. 1373
30-10-18	Amended	V. 10, p. 1374
30-10-19	Amended	V. 10, p. 1376
30-10-23a	Amended	V. 10, p. 1376
30-10-24	Amended	V. 10, p. 1377
30-10-25	Amended	V. 10, p. 1378
30-10-27	Amended	V. 10, p. 1379
30-10-29	Amended	V. 10, p. 1379
30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 10, p. 1198
30-10-207	Amended	V. 10, p. 1200
30-10-208	Amended	V. 10, p. 1200
30-10-210	through	
30-10-226	New	V. 10, p. 48-57
30-10-210	Amended	V. 10, p. 1202
30-10-211	Amended	V. 10, p. 1203
30-10-212	Amended	V. 10, p. 1204
30-10-213	Amended	V. 10, p. 1204
30-10-214	Amended	V. 10, p. 1230
30-10-215	Amended	V. 10, p. 1206
30-10-217	Amended	V. 10, p. 1206
30-10-218	Amended	V. 10, p. 1207
30-10-219	Amended	V. 10, p. 1207
30-10-220	Amended	V. 10, p. 1208
30-10-221	Amended	V. 10, p. 1208
30-10-226	Revoked	V. 10, p. 1209
30-22-1	Amended	V. 10, p. 1380
30-22-2	Amended	V. 10, p. 1380
30-22-5	Amended	V. 10, p. 1381
30-22-6	Amended	V. 10, p. 1381
30-22-11	through	
30-22-28	Revoked	V. 10, p. 1381
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-7i	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711
30-46-13	Amended	V. 10, p. 1381
30-46-14	Revoked	V. 10, p. 1381
30-46-15	Amended	V. 10, p. 1381
30-60-1	New	V. 10, p. 1381
30-60-2	New	V. 10, p. 1381
30-60-5	New	V. 10, p. 1382
30-60-6	New	V. 10, p. 1382
30-60-7	New	V. 10, p. 1383
30-60-10	New	V. 10, p. 1383
30-60-11	New	V. 10, p. 1383
30-60-12	New	V. 10, p. 1384
30-60-17	New	V. 10, p. 1384
30-60-18	New	V. 10, p. 1384
30-60-19	New	V. 10, p. 1384
30-60-25	New	V. 10, p. 1385
30-60-26	New	V. 10, p. 1385
30-60-27	New	V. 10, p. 1385
30-60-28	New	V. 10, p. 1386
30-60-40	New	V. 10, p. 1386
30-60-41	New	V. 10, p. 1386
30-60-45	New	V. 10, p. 1386
30-60-46	New	V. 10, p. 1386
30-60-47	New	V. 10, p. 1386
30-60-50	New	V. 10, p. 1387
30-60-55	New	V. 10, p. 1387
30-60-60	New	V. 10, p. 1388

30-60-61	New	V. 10, p. 1389
30-60-62	New	V. 10, p. 1389
30-60-70	New	V. 10, p. 1389
30-60-71	New	V. 10, p. 1390
30-60-72	New	V. 10, p. 1390
30-60-73	New	V. 10, p. 1390
30-60-74	New	V. 10, p. 1390
30-60-75	New	V. 10, p. 1390
30-60-76	New	V. 10, p. 1390
30-61-1	New	V. 10, p. 1391
30-61-2	New	V. 10, p. 1391
30-61-5	New	V. 10, p. 1391
30-61-6	New	V. 10, p. 1391
30-61-10	New	V. 10, p. 1391
30-61-15	New	V. 10, p. 1391
30-61-16	New	V. 10, p. 1392

#### AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Amended	V. 10, p. 88
36-1-28		
through		
36-1-34	New	V. 10, p. 88-91

#### AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 10, p. 1582
40-2-20	New	V. 10, p. 259, 383
40-2-21	New	V. 10, p. 1583
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-3-48	New	V. 10, p. 1584

#### AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 10, p. 1196
44-6-124	Amended	V. 10, p. 1196
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 10, p. 1197
44-6-142	Amended	V. 10, p. 1198

#### AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-105	New	V. 10, p. 1041
60-9-106	New	V. 10, p. 1041
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 10, p. 1041
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042
60-11-113	New	V. 10, p. 1042, 1497
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 10, p. 1043
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045

60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

#### AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

#### AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

#### AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

#### AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

#### AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

#### AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122
82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

#### AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

(continued)

## AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

## AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1	through	
91-35-4	New	V. 10, p. 909, 910
91-37-1	through	
91-37-4	New	V. 10, p. 910, 911

## AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-55-2a	New	V. 10, p. 531, 587

AGENCY 99: BOARD OF AGRICULTURE—  
DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1	through	
99-32-6	Revoked	V. 10, p. 1323

## AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 10, p. 653

## AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 134
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	New	V. 10, p. 881
111-2-19	New	V. 10, p. 882

111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10	through	
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 10, p. 1014
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19	through	
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66	through	
111-4-77	New	V. 7, p. 207-209
111-4-96	through	
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1410
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153	through	
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177	through	
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213	through	
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221	through	
111-4-224	Revoked	V. 10, p. 1585
111-4-225	through	
111-4-228	Revoked	V. 10, p. 1585
111-4-229	through	
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237	through	
111-4-240	New	V. 9, p. 1678, 1679
111-4-241	through	
111-4-244	New	V. 9, p. 1812
111-4-245	through	
111-4-248	New	V. 10, p. 200
111-4-249	through	
111-4-252	New	V. 9, p. 1813
111-4-253	through	
111-4-256	New	V. 10, p. 530

111-4-257	through	
111-4-280	New	V. 10, p. 755-759
111-4-257	Amended	V. 10, p. 1014
111-4-261	Amended	V. 10, p. 1014
111-4-262	Amended	V. 10, p. 1014
111-4-282	through	
111-4-286	New	V. 10, p. 759
111-4-287	through	
111-4-300	New	V. 10, p. 883-886
111-4-301	through	
111-4-307	New	V. 10, p. 1015, 1016
111-4-308	through	
111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 10, p. 1472
111-4-311	Amended	V. 10, p. 1472
111-4-312	Amended	V. 10, p. 1472
111-4-322	through	
111-4-331	New	V. 10, p. 1411-1413
111-4-332	through	
111-4-335	New	V. 10, p. 1473
111-4-336	through	
111-4-345	New	V. 10, p. 1526-1528
111-4-346	through	
111-4-361	New	V. 10, p. 1586-1589
111-5-1	through	
111-5-23	New	V. 7, p. 209-213
111-5-9	through	
111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-6-1	through	
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 1474
111-6-3	Amended	V. 9, p. 200
111-6-4	Amended	V. 10, p. 1413
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 10, p. 1474
111-6-9	Amended	V. 10, p. 1217
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	Revoked	V. 10, p. 1475
111-7-1	through	
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 10, p. 1475
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 10, p. 1475
111-7-12	through	
111-7-32	New	V. 7, p. 1194-1196
111-7-33	through	
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44	through	
111-7-54	New	V. 9, p. 1367-1370
111-7-46	Amended	V. 10, p. 1476
111-7-54	Amended	V. 10, p. 1476
111-7-55	through	
111-7-63	Revoked	V. 10, p. 1217
111-7-58	Amended	V. 10, p. 261
111-7-60	Amended	V. 10, p. 262
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886

111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1		
through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13		
through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25		
through		
111-9-30	New	V. 9, p. 699, 700
111-9-31		
through		
111-9-36	New	V. 10, p. 262
111-9-37		
through		
111-9-48	New	V. 10, p. 1439, 1440
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

#### AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162

112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-41	Revoked	V. 10, p. 1494
112-9-41a	New	V. 10, p. 1494
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1		
through		
112-16-14	New	V. 10, p. 1316-1318

#### AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461

115-13-1		
through		
115-13-5	New	V. 10, p. 917-919
115-14-1		
through		
115-14-10	New	V. 10, p. 1441-1443
115-17-10		
through		
115-17-13	New	V. 10, p. 461, 462

#### AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952
117-2-4	New	V. 10, p. 912, 952
117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
117-3-3	New	V. 10, p. 913, 953
117-3-4	New	V. 10, p. 913, 953

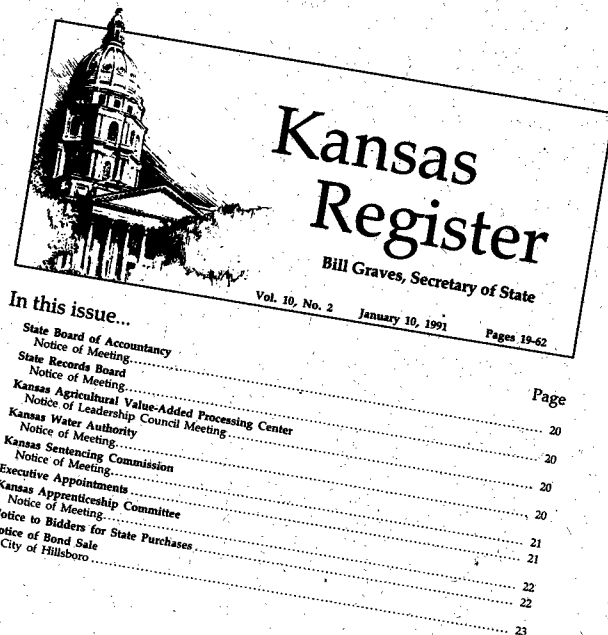
117-4-1		
through		
117-4-4	New	V. 10, p. 913, 914, 954
117-6-1	Amended	V. 10, p. 914, 954
117-6-2	Amended	V. 10, p. 915, 955
117-6-3	Amended	V. 10, p. 915, 955
117-7-1	Amended	V. 10, p. 916, 956
117-8-1	New	V. 10, p. 916, 956
117-9-1	New	V. 10, p. 916, 956

#### AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
119-1-1	New	V. 10, p. 263
119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

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